

Members

Sen. Marvin Riegsecker, Chairperson
Sen. Becky Skillman
Sen. Rose Antich-Carr
Sen. Timothy Skinner
Rep. Peggy Welch, Vice-Chairperson
Rep. Tiny Adams
Rep. Thomas Saunders
Rep. Matthew Whetstone
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Kelly Thompson
John Rooda
Mark Catanzarite
Bill Mansard
David Niezgodski
The Honorable Al Dillon
Lana Sullivan



COUNTY GOVERNMENT STUDY COMMISSION

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Authority: P.L. 28-2001 (HEA 1629)

MEETING MINUTES¹

Meeting Date: September 3, 2003
Meeting Time: 10:30 A.M.
Meeting Place: State House, 200 W. Washington St.,
Room 431
Meeting City: Indianapolis, Indiana
Meeting Number: 2

Members Present: Sen. Marvin Riegsecker, Chairperson; Sen. Becky Skillman; Sen. Rose Antich-Carr; Sen. Timothy Skinner; Rep. Peggy Welch, Vice-Chairperson; Rep. Thomas Saunders; Rep. Matthew Whetstone; Rep. Alan Chowning; Vern Jewell; Garland Ferrell; John Rooda; Lana Sullivan.

Members Absent: Rep. Tiny Adams; Thomas Rethlake; Oatess Archey; Doug Lechner; Raymond Lueken; Kelly Thompson; Mark Catanzarite; Bill Mansard; David Niezgodski; The Honorable Al Dillon.

Senator Riegsecker, Chairman, called the second meeting of the County Government Study Commission for the 2003 Interim to order at 10:48 A.M. After an introduction of the members present, the Chairman announced that the Commission would hear testimony primarily concerned with septic system rules, as well as limited testimony and supporting documentation concerning pioneer cemeteries.

1. Septic System rules

A. Prof. Don Jones and Asst. Prof. Brad Lee

Chairman Riegsecker called on Brad Lee, Asst. Professor and Extension Specialist and Don Jones, Professor and Ag. Extension Engineer, both of Purdue University, to testify about nitrate

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

levels in groundwater, septic system rules, and related issues.

Prof. Jones provided a powerpoint presentation on "Nitrogen and Onsite Wastewater Disposal Systems" (Exhibit A) to the Commission, with assistance from Asst. Prof. Lee. The presentation provided scientific and technical information related to the nitrate issue.

The Commission members discussed the reliability of new septic system technologies, the impact of weather and soil types, and the reasonableness of the proposed rules. Prof. Jones stated that research data is not presently available to give a clear answer on many questions that the proposed rules raise.

B. Pat Carroll

The Chairman introduced Pat Carroll of IDEM to provide additional information on issues concerning the proposed septic system rules. Mr. Carroll's presentation corresponded to the handout that he provided titled "Groundwater Quality Standards" (Exhibit B). IDEM's involvement in this issue is mandated by the groundwater standards established by the Groundwater Protection Act of 1989. Mr. Carroll discussed the underlying statutes, the rule making process, and the standards for groundwater. He informed the Commission that there is no nationwide standard for nitrates in groundwater, but that most states that have established standards have used those established by the federal Environmental Protection Agency for drinking water.

The Commission inquired into groundwater standards, climatic effects, and the impact of septic systems on nitrate levels. Mr. Carroll pointed out that IDEM's activities in this area of regulation are limited by statute, and that location, density, and other factors contribute to the volume of nitrate in an area.

C. Terry Hershberger

The Chairman introduced Terry Hershberger, chairman of the Indiana Builders Association Septic Subcommittee. Mr. Hershberger's testimony detailed the cost and uncertain benefits of technologies required by the proposed rules, the relatively small contribution of septic systems to groundwater nitrate levels when compared to other sources such as agriculture, and the negative impact that the IBA feels the proposed rules will have on economic development.

The Commission questioned Mr. Hershberger on cost and technological feasibility issues, the climatic impact on nitrate levels, and on whether sufficient information is being provided to builders concerning septic systems and wells.

D. Bob Watkins

The Chairman introduced Bob Watkins, Manager of Elkhart County Environmental Health Services and inquired into the regulation of septic systems and wells. Mr. Watkins presented information to the Commission concerning the administrative processes currently in place for septic systems and wells, and the health and economic effects of the proposed rules at the local government level (Exhibit C). Mr. Watkins stated that the new technologies appear to be unreliable. He stated that if the proposed rules were required for health reasons, then older systems undergoing repair should be included. He noted that his and other departments will require significant increases in both personnel and funding to properly administer the proposed rules.

The Commission discussed the clustering of septic systems and enforcement mechanisms. Mr. Watkins stated that he opposes the proposed rules.

E. Alan Dunn

The Chairman recognized Alan Dunn, Supervisor, Indiana Department of Health. Mr. Dunn commenced by addressing details of the effects of soil types upon nitrate levels in groundwater

that were raised by previous speakers. He informed the Commission that the DOH is continuing to gather feedback concerning the proposed rules. He stated that DOH is considering a two year delay on the implementation of rules designed to deal with nitrate levels to allow for the gathering of additional data and the implementation of training. He stressed that the proposed rules will apply to newly installed septic systems, and that there are no plans to extend them to include repairs of existing systems.

The Commission inquired into septic system technologies, the role of septic systems as a source of nitrates, action taken by other states to address this issue, comparative costs of new septic systems, and the levels of cooperation between governmental agencies in dealing with groundwater issues.

F. Other information

Chairman Riegsecker informed the members that additional data on this issue was provided to him by Lynn Dennis of The Nature Conservancy (Exhibit D), and that copies would be mailed to the members along with the minutes.

2. Pioneer Cemeteries

Chairman Riegsecker recognized Vernon Jewell, Bartholomew County Treasurer and Commission member. Mr. Jewell informed the members that he wanted to provide the members with additional material on this topic. (Exhibit E)

3. Selection of Next Meeting Date and Adjournment

The Chairman set the next meeting date for Thursday, October 9, 2003 at 1:30 P.M.

The meeting was adjourned at 12:34 P.M.